

# **Exhibit 1**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

OKLAHOMA POLICE PENSION AND  
RETIREMENT SYSTEM, Individually  
and on Behalf of All Others Similarly  
Situated,

Plaintiff,

v.

STERLING BANCORP, INC.; GARY  
JUDD; THOMAS LOPP; MICHAEL  
MONTEMAYOR; SCOTT SELIGMAN;  
BARRY ALLEN; JON FOX; SETH  
MELTZER; SANDRA SELIGMAN;  
PETER SINATRA; BENJAMIN  
WINEMAN; LYLE WOLBERG; PIPER  
SANDLER COMPANIES; AND  
AMERICAN CAPITAL PARTNERS,  
LLC,

Defendants.

Case 5:20-cv-10490-JEL-EAS

**DECLARATION OF PAUL F. NOVAK IN SUPPORT OF LEAD  
COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS' FEES AND  
REIMBURSEMENT OF LITIGATION EXPENSES  
FILED ON BEHALF OF WEITZ & LUXENBERG**

I, Paul F. Novak, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Managing Attorney of the Detroit office of the law firm Weitz & Luxenberg, interim local counsel in this action. I respectfully submit this Declaration in support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses in connection with the services rendered in the Action.

2. The statements herein are true to the best of my personal knowledge, information and belief based on Weitz & Luxenberg's books and records and information received from its attorneys and staff.

3. I am the attorney who oversaw my firm's involvement in the Action. Weitz & Luxenberg's time and expense records (including, where necessary, backup documentation) have been reviewed to confirm both the accuracy of the entries as well as the necessity for and reasonableness of the time and expenses expended in this litigation. I believe that the time reflected in my firm's lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

4. Set forth below in ¶ 5 is a summary reflecting the amount of time Weitz & Luxenberg attorneys and professional staff worked on the Action from the inception of the case through July 31, 2021, and the corresponding lodestar value of that work. The schedule in ¶ 5 was prepared based upon daily time records maintained by Weitz & Luxenberg attorneys and professional support staff in the ordinary course of business, and the lodestar calculations are based on the firm's current hourly rates as presented in similar lodestar calculations in other complex litigation.

5. Weitz & Luxenberg's total fee compensable time for which it seeks an award of attorneys' fees is summarized below.

<b>Attorneys</b>	<b>Role</b>	<b>Rates</b>	<b>Hours from inception to 6/30/2021</b>	<b>Lodestar from inception to 6/30/2021</b>
Novak, Paul	Partner	\$800	7.4	\$5,920
Stamatopoulos, Gregory	Associate	\$450	8.0	\$3,600
<b>Paralegals and Legal Assistants</b>				
Hryczyk, Nicole	Paralegal	\$225	3.3	\$742.50
Littman, Syndy	Paralegal	\$225	8.4	\$1,890
<b>TOTALS</b>			27.1	\$12,152.50

6. The total time for which my firm is requesting an award of legal fees is 27.1 hours. The total lodestar value of these professional services is \$12,152.50.

7. The hourly rates for attorneys and professional support staff in my firm have been accepted by courts in other complex class actions. The time and lodestar spent preparing the fee and expense application were excluded from the above values.

8. The firm's lodestar figures do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in the firm's current billing rates. Further, expense items do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor(s).

9. As detailed and categorized in the below schedule, Weitz & Luxenberg has incurred a total of \$1,422.55 in expenses from inception through June 30, 2021 for which it seeks to be reimbursed from the Settlement Fund.

<b>Expense Categories</b>	<b>Cumulative Expenses</b>
Court Costs/Service Fees	\$1,422.55
<b>TOTAL</b>	<b>\$1,422.55</b>

10. The above schedule was prepared based upon expense records reflected in the books and records of Weitz & Luxenberg. These books and records are prepared from expense vouchers, check records, receipts and other source materials.

11. With respect to the standing of my firm, attached hereto as Exhibit A is a brief biography of my firm and the attorneys in my firm that were involved in this Action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 9, 2021  
Detroit, Michigan

/s/ *Paul F. Novak*  
Paul F. Novak

# **EXHIBIT A**

# WEITZ & LUXENBERG P.C.

Weitz & Luxenberg is a nationally recognized plaintiffs' law firm with a home here in the heart of Detroit. From investigation to trial and appeals, our diverse, accomplished attorneys have amassed over \$17 Billion in verdicts and settlements for clients of all kinds from all 50 states. We are an AV-rated firm that conducts complex litigation, including consumer class action, mass tort and environmental litigation. With a team of more than 100 attorneys and a staff of close to 400 we have the dedication, human and financial resources, and proven track record to handle a variety of complex litigation matters.



## Local Footprint, National Presence.

Fisher Building  
3011 W. Grand Blvd.,  
24<sup>th</sup> Floor  
Detroit, MI 48202  
313-800-4170

***Firm Headquarters***  
700 Broadway  
New York, NY 10003  
212-344-5461

210 Lake Drive East  
Suite 104  
Cherry Hill, NJ 08002  
856-755-1115

1880 Century Park East  
Suite 700  
Los Angeles, CA 90067  
310-247-0921

## Deep experience. Broad Practice.

Our goal is to provide exemplary, custom-tailored legal service to our clients and hold those who have wronged them accountable through our court system. We are often the first to bring suits and are never afraid to see a case through to trial.

The pursuit of justice and results for our clients forms the foundation for every case we litigate. Our firm has represented thousands of individuals and their families, government bodies, and other entities in cases involving:

- ▶ *Consumer Fraud and Protection*
- ▶ *Dangerous & Defective Drugs and Medical Devices*
- ▶ *Product Liability*
- ▶ *Antitrust Violations*
- ▶ *Environmental and Toxic Pollution*
- ▶ *Human Trafficking and Sexual Assaults*
- ▶ *Asbestos/Mesothelioma*
- ▶ *Personal Injury*
- ▶ *Securities Fraud and Shareholder Protection*

## Spotlight on Detroit

Opened in 2017, Weitz & Luxenberg views its Detroit office as an expansion of the firm's class action, antitrust, environmental, and consumer protection work. The office is led by former Michigan assistant attorney general Paul Novak and staffed almost entirely by Michigan natives and attorneys.

Our Detroit attorneys are well-experienced at negotiating and managing complicated discovery and have earned impressive results both in and outside the courtroom. We work hand in hand with Weitz & Luxenberg's other offices to ensure the job gets done.



At Weitz &  
Luxenberg,  
we don't  
just litigate,  
we lead.

## **Weitz & Luxenberg attorneys are at the forefront and leading some of our country's largest complex litigation in recent history including:**

### **Class and Mass Action**

*In re: Actos (pioglitazone) Products Liability Litigation*, MDL No. 2299 (co-lead counsel in settlement of a \$2.4 billion pharmaceutical products liability action)

*In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico*, MDL No. 2179 (plaintiff steering committee participation in excess of \$10 billion settlement)

*In re Methyl Tertiary Butyl Ether ("MTBE") Prods. Liab. Litig.*, MDL No. 1358 (plaintiff liaison counsel and lead litigation counsel for a settlement of \$423 million)

*In Re: Stryker Rejuvenate Hip Stem Litigation*, MDL No. 296 (plaintiff liaison and lead counsel negotiating settlement exceeding \$1.5 billion)

*In Re: National Prescription Opiate Litigation*, MDL No. 2804 (plaintiffs' executive committee, case in progress)

*In re: Proton-Pump Inhibitor Products Liability Litigation (No. II)*, MDL No. 2789 (plaintiffs' executive committee, case in progress)

*In re: Ethicon, Inc., Power Morcellator Products Liability Litigation*, MDL No. 2652 (co-lead counsel)

### **Consumer Protection**

Volkswagen "Clean Diesel" Marketing, MDL No. 2672 (plaintiff steering committee for a \$327.5 million settlement)

*In re Wells Fargo Collateral Protection Insurance Litigation*, Case No. 8:17-ML-2797 (plaintiffs' executive committee)

*In Re: General Motors LLC Ignition Switch Litigation*, MDL No. 2543 (plaintiffs' liaison counsel)

Excellus Blue Cross & Blue Shield data breach litigation, Western District of New York, Case No. 15-cv-06569 (co-lead counsel)

### **Natural Resources and Environmental Damages**

*In Re: Roundup® Products Liability Litigation*, MDL No. 2741 (co-lead counsel)

Flint Water Class Action Litigation, *Carthan v. Snyder*, Case No. 5:16-cv-10444 (plaintiffs' executive committee)

# WEITZ & LUXENBERG

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**Paul Novak**

**Managing Attorney, Detroit Office**

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Paul F. Novak is the managing attorney of Weitz & Luxenberg's Detroit office and is active in the firm's class action, antitrust, consumer protection and environmental practices.

Mr. Novak currently serves in leadership positions in a series of class action and complex litigation cases. In 2017, Judge Judith Levy of the United States District Court for the Eastern District of Michigan named Mr. Novak to the Plaintiff Executive Committee in the Flint water proposed class action case, representing thousands of individuals in the city of Flint, Michigan who were exposed to toxic water. *In re Flint Water Cases* (U.S. Eastern District of Michigan, Case No. 5:16-cv-10444) Mr. Novak was also selected by the U.S. District Court for the Central District of California to serve on the Plaintiff Steering Committee in a proposed class action against Wells Fargo involving alleged deceptive practices related to force placed automobile insurance associated with Wells Fargo auto loans. *In Re Wells Fargo Collateral Protection Insurance Litigation*, 17-mi-02797-AG-KES (C.D. Cal.) And he represents over 60 local governments in Michigan as plaintiffs in the *In re National Prescription Opiate Litigation*, 17-md-02804-DAP (N.D. Ohio).

Mr. Novak is listed among the world's leading competition and antitrust lawyers in the U.S. Plaintiffs Section of the Global Competition Review's International Who's Who of Competition Lawyers & Economists. In 2012, the National Law Journal recognized his work in a \$180 million settlement of an antitrust action against Sirius XM radio in *Blessing v. Sirius XM*, (S.D.N.Y.) and listed his accomplishments in that case in the 2012 *Plaintiffs' Hot List*. He is routinely listed for his antitrust and class action experience in *Michigan Super Lawyers* and as a Top Lawyer in Detroit's D-Business magazine. He is rated as "AV Preeminent", the highest rating given, by Martindale-Hubbell.



Prior to joining Weitz & Luxenberg, Mr. Novak led the antitrust class action practice group at Milberg LLP. He also formerly served as the Assistant Attorney General of Michigan in charge of Michigan's Special Litigation Division, which handled antitrust enforcement, securities fraud, and public utility regulation work, and as the City Attorney of Lansing. While at the Michigan Attorney General's office, Mr. Novak was a national leader in multistate litigation involving pricing practices in the pharmaceuticals industry. He served as lead counsel on behalf of all fifty state attorneys general in the *In re Cardizem CD Antitrust Litigation*, 218 F.R.D. 508 (E.D. Mich., 2003). He represented the State of Michigan's Medicaid program and other state purchasing entities in multiple national antitrust and drug pricing cases. He was lead counsel for the State of Michigan in a kidney dialysis monopolization case brought against a major healthcare corporation, and he also represented Michigan in antitrust trials in the computer software industry. He also participated in multiple reviews and negotiations of divestiture proposals in various Clayton Act merger cases.

Mr. Novak is the former Chair of the Michigan Bar Association's Antitrust, Franchising and Trade Regulation Section. He served as a member of the State Bar of Michigan United States Courts Committee. He was awarded the *Frank J. Kelley Excellence in Trial Advocacy Award* for his work in antitrust enforcement. He has lectured on antitrust, pharmaceuticals and insurance industry issues for the American Antitrust Institute, the Practising Law Institute, the American Bar Association, the Michigan Institute of Continuing Legal Education and the Michigan Association of Counties. He served as chair of the National Association of Attorneys General Midwest Antitrust Enforcement Task Force, and as a member of the National Association of Attorneys General Airlines Industry Working Group and Prescription Drug Pricing Task Force. He also taught economics in the Emory University School of Business.

Mr. Novak received his law degree in 1986 from Emory University School of Law in Atlanta, Georgia. He also holds a Masters of Arts degree in Economics from Michigan State University (1983) and a Bachelor of Arts degree from James Madison College at Michigan State University (1982).

Mr. Novak is a former Lansing City Councilman, a former member of the Dean's Advisory Committee for Michigan State University's Residential College of Arts and Humanities, and a former appointee of the City of Detroit's Elected Officer Compensation Committee.

# WEITZ & LUXENBERG

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## **Gregory Stamatopoulos**

### **Associate Attorney, Detroit Office**

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Phone: 313-800-4168  
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Gregory Stamatopoulos has broad experience representing plaintiffs in complex class action and False Claims Act “qui tam” litigation. Prior to joining Weitz & Luxenberg in 2017, he was an attorney at the New York law firm of Milberg LLP, where he gained invaluable pre-trial, trial, appellate, and e-discovery experience. Over the course of his career, he has litigated cases in both state and federal courts, and has represented plaintiffs in a number of industries including health care, pharmaceutical, and defense. Mr. Stamatopoulos has also represented defrauded investors and consumers.

Among other high profile cases, he has worked on In re Oppenheimer Rochester Funds Group Securities Litigation (D. Colo.), In re Cathode Ray Tube (CRT) Antitrust Litigation (N.D. Cali.), and several class actions stemming from the man-made disaster known as the Flint Water Crisis.

Mr. Stamatopoulos graduated from Michigan State University with a B.A., with honors, in 2006. In 2010, he earned his J.D. degree from Wayne State University School of Law.

An attorney since 2010, Mr. Stamatopoulos is admitted to practice in the state courts of Michigan and New York. During law school, he served as chairperson of The Free Legal Aid Clinic in Detroit, managing a facility that specializes in providing pro bono family and elder law services to city residents. As an undergraduate from Michigan State University, Mr. Stamatopoulos double-majored in international relations and Russian.

Mr. Stamatopoulos is a member of the Antitrust, Franchising, and Trade Regulation Section of the State Bar of Michigan.

### **EDUCATION**

- J.D., Wayne State University Law School, 2010
- B.A., Michigan State University, 2006

### **BAR ADMISSIONS**

- Michigan
- New York
- Eastern District of Michigan, U.S. District Court